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THE IMPORTANCE OF THE ENFORCEMENT OF LAW

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The reformers interested in the progress of the public health divide themselves into two camps—those who believe that legislation is a cure-all, that all that is necessary to reform an evil condition is to pass a prohibition law, and those who take a cynical attitude towards the law and say that laws do not help in the solution of public health problems, and that we must educate each individual so as to make laws unnecessary. Both points of view contain essential errors.

Instead of saying that laws are absolutely necessary to prevent all public health evils, I would say that in most instances the passage of laws to correct these abuses is a necessity, but that we must not stop with the mere enactment of the law. We must also provide a means for its enforcement. That part of the law which provides the means by which it shall be enforced is of as much importance as the law itself. Many recalcitrant and criminal legislators pass laws at the request of the reformers of our community, and the reformers go away satisfied with what has been done, yet we may read the statistics after the passage of that law and find no convictions under it and no good accomplished.

In my particular work, in the service of the Medical Society of the County of New York, for the enforcement of the laws against the illegal practice of medicine, we have had some six or seven hundred convictions. There is a little book published, showing that every state in the Union has a law on the subject, almost as good as the New York law, and some better; and yet, in one New York county one person, aided by the Medical Society and the legal corporation charged with the enforcement of this law, has succeeded in securing seven or eight hundred convictions, whereas all the rest of the United States has not succeeded in securing twenty-five. It is not because there are not enough laws, but because there are no persons charged with their enforcement.

Take the prolific laws regulating physical environment. What

good would a tenement house law be, prescribing what kind of tenements shall be built, how many families to a floor, and how much light and air shall be given each house, unless there were some organized body to enforce that law and punish those who violate it?

The law against unnecessary noises or smoke nuisances, what would it accomplish unless there were some one charged with its enforcement? What good has it done, in many states, to pass labor laws, laws in regard to spitting in public places, laws concerning the milk supply, the pollution of streams and water supply, impure foods and drugs—of what good would all these laws be unless some provision were made for their enforcement?

Likewise, what good would a law do saying that soothing syrups containing morphine, and nearly all soothing syrups have contained morphine—Mrs. Winslow's and all the rest—should not be given to children. What good does it do to put those laws on the statute books unless some means are adopted of bringing to book those who are guilty of violating the provisions of a statute of that kind? What good would it have done before the passing of the Pure Food Law to pass a law prohibiting the use of Peruna or Mrs. Lydia Pinkham's, or Paine's Celery Compound, or many other intoxicating drugs? Whatever may be our individual views as to the work of our last President, and I am of the opposite political faith, I believe that when the history of his administration comes to be written, one of the best and most effective things that will be recorded of him will be that he insisted on the enforcement of the Pure Food Law. When his message went to a Congress led by men in the interests of the makers of impure foods and various drugs, and he sought to apply the secret service for the enforcement of that law, it was then that the shoe pinched, and not when the law itself was passed. When the President undertook to enforce it, and used the power of the government in its enforcement, then those whose toes were pinched began to howl, and such an object lesson as our country never had before arose out of the splendid secret service message of the President to Congress.

Take the prolific laws regulating eugenics. Let me call attention to one—the law relating to the prevention of cruelty to children. That comes closer home to all of us than any of the others. We had laws in New York, for many, many years which would, if enforced, have given the child a fair show, but it was not until

Mr. Gerry, with his means, his courage, and his ability at organization, founded a society for the prevention of cruelty to children which undertook to enforce those laws which had been in existence, but which had lain idle for years, that the children in the city of New York began to have their childhood free from the abuses which Mr. Gerry's work shows to have existed for many years.

There is also the question of obscene literature, as bearing on the question of public morals. Generally the questions of public health and morals are combined. The name of Comstock and the word "Comstockery" have been held up as things to be abhorred throughout the community, and yet I heard one of your distinguished fellow-townsmen, Mr. Barlow, who has had some experience himself with punishing criminals, say that he went to New York and investigated Mr. Comstock's work, covering a period of many years, and he came away feeling that to that man was due an obligation of gratitude on the part of the community which few people realized, and which no one had yet undertaken to express.

If you could see, as I have seen in the city of New York, boys and girls of twelve and fourteen years of age handed out the vilest, most licentious pamphlets, or if one of your children had happened to pick up one of these pamphlets, and if you had heard that through Mr. Comstock the circulation of these pamphlets had been restricted, that the vicious models in the Fourteenth Street museum had been destroyed and the criminals responsible sent to jail, the words Comstock and Comstockery would have a different meaning to you. The criticisms of those who say the law is of no use are not well founded. It is only when the laws are begun to be put through the courts that they become effective.

Take the work of Captain Goddard. I have to cite New York men—I dare say there are those in Philadelphia who do just as good work, Doctor Cattell and others I know have done work ranking very high in this sort of thing, but take Mr. Goddard. Millions of dollars had been taken from people through the policy shops, the chances being 10,000 to one, in favor of losing. Captain Goddard devoted his fortune and his life to the enforcement of laws which had already been enacted. By his efforts, Al Adams, the policy king, was placed behind the bars of Sing Sing, where he should have been put long before. You cannot be content with the passage of laws, and leave their enforcement to the public authorities unless

you provide some special duty and some special means by which these laws shall be enforced.

The critics who say that laws are of no use and should not be passed are right when considering one kind of law; that is, the law for the punishment of crimes that grow out of the existence of diseased minds and bodies or unhealthy social conditions. There are many such laws as that; laws against criminal operations, for instance. The New York *Telegram* and the *Herald* and the New York *World*, unhampered for years and years, printed the filthiest and most loathsome forms of advertisements of men and women to perform an unspeakable operation. Laws existed then as they exist now to stop this sort of business, but it was not until one of the post-office inspectors, Mr. Meyer, backed up by Postmaster-General Cortelyou, called attention to the growth of these abuses, and the machinery of the law was put into effect, that these base columns of the *Telegram*, the *World* and the *Herald* ceased to pollute the newspaper literature of the city of New York going into the homes where boys and girls were free to read them. The New York *Evening Telegram* was held up in the mails and refused permission to go through the mails until it removed, and removed forever, I hope, that column.

Chicago is now worse than New York ever was, and Detroit is just as bad; and Atlanta, and even your own city are not free from some taint of these vicious, miserable obstacles to race progress, and they will stay here in these papers and in every other city, and these men will continue to do their work until your law is enforced. But at last, these crimes that grew out of unhealthy social conditions and diseased minds and bodies are not going to be corrected by laws or their enforcement. You must begin on them by correcting the conditions out of which they grow.

One of the greatest obstacles to race progress is the marital relation undertaken by a man whose life has not been clean. Mr. Bok has been the subject of ridicule by the cynics for undertaking to educate the boys and girls of this country to know that these obstacles cannot be removed by law, but only by bringing home to every boy and girl the necessity for realizing in their hearts and consciences that they must begin with themselves. I wish there were a thousand publications like that, and that all institutions, from the pulpit to the press, realized the fact that these things that grow out of

diseased minds and bodies and unhealthy social conditions can be reached only by educating the individual, and the collection of individuals which we call the public. Every institution that has undertaken to educate the public and the individual to the importance of beginning with himself or herself is doing a greater work than all the laws in all the countries will ever be able to do.